

## REMARKS

This amendment is submitted after final rejection under 37 CFR 1.116 because Applicants believe that all claims now presented are in condition for allowance. In any event entry of this amendment will place this application in better form for appeal. Applicants have raised no new issues and inserted no new matter into the application. Finally the arguments presented herein are in direct response to points raised by the Examiner in the last office action and Applicants could not have filed their response at an earlier date.

Applicants wish to thank Examiner Gebreyesus for granting a telephone interview with the Applicants' undersigned representative. The telephone interview was held on 30 September 2009 and during the interview the Examiner and the Undersigned discussed what changes in the claims might be necessary to distinguish the present claims from the disclosure in US Patents 6,037,154 and 6,258,573 to SUGA et al. Applicants in advance of the interview sent to Examiner Gebreyesus, a set of proposed amended claims, which correspond at least in part to the claims now presented. Examiner Gebreyesus, however, indicated that some additional changes will be needed in order to clearly define the invention and to clearly distinguish over these cited prior art references. The Examiner was particularly concerned that Applicants make it clear that the polynucleotides of claims 1 through 8 be

indicated to be isolated polynucleotides, and that claims 1 through 8 make it clear that the isolated polynucleotides of claims 1 through 8, encode a 3-phosphoglycerate dehydrogenase having reduced feedback inhibition in comparison to natural 3-phosphoglycerate dehydrogenase. See page 4, lines 3 through 11 and page 6, lines 9 through 16 of the specification for antecedent basis. Claims 11 through 16 directed to the corresponding polypeptides expressed by these polynucleotides have also been amended to mark this distinction. These latter claims also reflect that deregulated 3-phosphoglycerate-dehydrogenases are mutants and , which in comparison to natural 3-phosphoglycerate dehydrogenase have reduced feedback inhibition. See page 6, line 17 of the specification for antecedent basis.

The Examiner also stated that since the Applicants have submitted claims directed to allowable subject matter, he will rejoin claims 11 through 26, currently withdrawn from further consideration as directed to a non-elected invention as these claims are also directed to allowable subject matter.

Applicants believe that all claims now presented are in condition for allowance and a response to that effect is earnestly solicited.

K.F. Ross P.C.

*/Jonathan Myers/*

By: Jonathan Myers, 26,963  
Attorney for Applicant

16 October 2009  
5683 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: 718 884-6600  
Fax: 718 601-1099  
Email: [email@kfrpc.com](mailto:email@kfrpc.com)